

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

September 15, 2008

Sherry Tyner, Registered Agent
River Valley Estates Development, Inc.
2612 N. College Drive
Durango, CO 81301

Certified Mail Number: 7007 0220 0001 0159 9049

RE: Expedited Settlement Agreement, Number: ES-080915-2

Dear Ms. Tyner:

Enclosed for your records you will find River Valley Estates Development, Inc.'s copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in the enclosed ESA, River Valley Estates Development, Inc. must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact Michael Harris at (303) 692-3598 or by electronic mail at michael.harris@state.co.us.

Sincerely,

Kristi-Raye Beaudin, Legal Assistant
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

cc: San Juan Basin Health Department

ec: Aaron Urdiales, EPA Region VIII
Kathy Dolan, Stormwater Program, CDPHE

Enclosure(s)



Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-080915-2

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of River Valley Estates Development, Inc. ("River Valley"). The Division and River Valley may be referred to collectively as "the Parties."

1. River Valley is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. River Valley is involved in construction activities to build a residential development on property located at or near County Road 222, in or near the City of Durango, La Plata County, Colorado (the "Project").
3. River Valley failed to comply with the provisions of its Colorado Discharge Permit System ("CDPS") General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), Certification Number COR-037760, as described in the attached inspection report.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$21,000.00.
5. By accepting this ESA, River Valley neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. River Valley certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, River Valley has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. River Valley agrees to the terms and conditions of this ESA. River Valley agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, River Valley waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
8. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and River Valley each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.

9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. River Valley agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, River Valley shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:

Michael Harris
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CADM-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of River Valley's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against River Valley. River Valley agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon River Valley and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY RIVER VALLEY ESTATES DEVELOPMENT, INC.:

Sherry Bacus (Tyner) 10/16/04
Signature Date

Sherry Bacus (Tyner) 10/16/04 Pres.
Name (printed) Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

Lori M. Gerzina 9/15/08
Lori M. Gerzina, Section Manager Date:
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION